

§ 15.102

24 CFR Subtitle A (4-1-16 Edition)

- (i) HUD's Client and Information Policy Systems (HUDCLIPS);
- (ii) Housing policy;
- (iii) Public and Indian Housing policy and regulations;
- (iv) Public and Indian Housing policy and guidance (PHA Plans); and
- (v) Community Planning and Development policy and guidance.

(4) Administrative staff manuals.

(5) HUD's online library.

(6) Fair housing information.

(c) *Frequently requested materials.* HUD also makes frequently requested materials available on its FOIA Web site at <http://www.hud.gov/FOIA>. These frequently requested materials include information related to:

- (1) Highest-scoring funding grant applications.
- (2) Purchase charge cardholders.
- (3) FHA refunds.
- (4) FHA-approved lenders.
- (5) Homes for sale.
- (6) How to buy a HUD home.
- (7) How to apply for public housing and Section 8 housing.
- (8) Housing for the elderly.
- (9) Housing for individuals with disabilities.
- (10) HUD contracting home page.
- (11) FHA mortgage insurance programs.
- (12) HUD handbooks.
- (13) HUD programs.
- (14) HUD telephone directory.
- (15) HUD homes listing.
- (16) HUD's organization.
- (17) Multifamily housing data.
- (18) Public housing authority contact information.
- (19) Weekly listing of multifamily properties for sale.
- (20) Catalog of Federal Domestic Assistance (CFDA) materials.
- (21) Grants.
- (22) FOIA request logs.

§ 15.102 Requirements for making requests for records.

(a) *In general.* Any request for HUD records must be made in writing and submitted to the FOIA Public Liaison in the HUD field office where the records are located or to the Office of the Executive Secretariat in HUD Headquarters if the request is for records located in HUD Headquarters.

(b) *HUD field office records.* Requests for records located in a HUD field of-

fice may be submitted by mail (including courier or delivery service), email, or facsimile to the FOIA Public Liaison at the field office.

(c) *HUD headquarters records.* Requests for records located in HUD Headquarters may be submitted via an electronic request form on HUD's FOIA Web site at <http://www.hud.gov/FOIA>. Requests can also be submitted in person or by mail (including courier or delivery service), email, or facsimile to the Office of the Executive Secretariat in HUD Headquarters.

(d) *Form of requests.* FOIA requests should:

(1) Be in writing and clearly identifiable as a FOIA request. To facilitate identification, the requester should place the phrase "FOIA Request" on the front of the envelope or on the cover sheet or other transmittal document used when submitting the request in person or by mail, email, facsimile, or electronic request form;

(2) Include, whenever possible, detailed and specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. The more specific the FOIA request for records, the more likely HUD officials will be able to locate the records requested. Requests for categories of information should be for specific and well-defined categories. Insufficient descriptions may lead HUD officials to contact the requester to seek additional information for their record search;

(3) Indicate the form or format in which the requester would like the record made available, if the requester has a preference;

(4) Specify the fee amount the requester is willing to pay. In general, HUD provides records at no cost up to \$25. Requesters are required to agree to pay for any costs that exceed \$25. Requesters may also request a dollar amount above which HUD should consult with them before they agree to pay the fee. If a requester seeks a fee waiver or reduction, the requester should include this request with the FOIA disclosure request and should describe, consistent with § 15.106(k), how the disclosure of the requested information is likely to contribute significantly to public understanding of the

operations or activities of the government and is not primarily in the commercial interest of the requester;

(5) Indicate the fee category that the requester believes applies to each of his or her requests (fee categories are defined in § 15.106(b));

(6) Include verification information of the requester's identity, if the requester requests agency records pertaining to the requester, a minor, or an individual who is legally incompetent. Information about what constitutes acceptable verification information can be found in HUD's Privacy Act regulations in 24 CFR part 16;

(7) Contain signed authorization from the other person, if the requester makes a request on another person's behalf for information about that person. If necessary, HUD will inform the requester of the authorization needed from the other person and give the requester an opportunity to provide such authorization. Requests for information about another person should be accompanied by either written, notarized authorization or proof that the individual is deceased (for example, a copy of a death certificate or an obituary), or the request will be deemed insufficient; and

(8) Contain a detailed explanation of the basis for the request, if the requester makes a request for expedited processing as provided by § 15.104(c). The requester should also include a statement certifying the truth of the circumstances alleged or other evidence, acceptable to HUD, of the requester's compelling need.

§ 15.103 Timing of responses to requests.

(a) *In general.* HUD will generally respond to a FOIA request within 20 working days, depending on the size of the request. The 20-day period will begin on the day the request is received by the appropriate component of HUD, but in any event not later than 10 working days after the request is received by any component of HUD designated to receive FOIA requests.

(b) *Tolling the 20-day time period.* Under the OPEN Government Act of 2007, HUD may toll the 20-day period:

(1) One time to make a reasonable request for additional information from the requester; or

(2) As many times as necessary to clarify issues regarding fee assessment with the requester. The agency's receipt of the requester's response to the agency's request for information or resolution of all fee assessment issues ends the tolling period.

(c) *Extension of time periods for processing a request.* In unusual circumstances, as defined in this paragraph, HUD may extend the time period for processing a FOIA request. In such circumstances, HUD will provide the requester with written notice setting forth the unusual circumstances for the extension and the date on which a determination is expected to be dispatched. This date will not exceed 10 working days beyond the general time limit established in paragraph (a) of this section. If processing a request would require more than 10 working days beyond the general time limit established in paragraph (a) of this section, HUD will offer the requester an opportunity to limit the scope of the request so that HUD may process it within the extra 10-day working period or arrange an alternative time period within which the FOIA request will be processed. For purposes of this section, unusual circumstances include:

(1) The need to search for and collect records not located in the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records; or

(3) The need to consult with another agency or two or more HUD components having a substantial interest in the determination of the FOIA request.

(d) *Aggregating multiple requests.* (1) HUD may aggregate multiple requests in cases where unusual circumstances exist and HUD determines that:

(i) Certain requests from the same requester or from a group of requesters acting in concert actually constitute a single request; and

(ii) The requests involve clearly related matters.

(2) Aggregation of requests for this purpose will be conducted independent